



IRA HELLER LAW, LLC

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July 27, 2023

US District Court Judge Michael E. Farbiarz
Frank R. Lautenberg US Post Office & Courthouse Building
2 Federal Square
Newark, NJ 07102

Note: As per Order of Magistrate Judge Kiel, this filing must be sent first to Magistrate Judge Kiel's chambers as well as Plaintiff's counsel, who as per the Order will review the contents, then file on the Court Docket.

*Re: John Doe v. Baila Sebrow – Case No.: 2:21-cv-10706
Supplement to objection to Order of July 12, 2023 Order of Magistrate Judge Kiel*

Dear Judge Farbiarz

Please kindly accept this supplement to my objection filed yesterday, July 26, 2023, as I inadvertently omitted some legal support, essential to my objection. They are as follows:

Relevant to the July 12, 2023 Order, Text Order was issued by Magistrate Judge Kiel (ECF 76), followed by written Order ([ECF 77](#)) prohibiting me from filing any further documents on behalf of the Defendant from this time forward. My formal objection is hereby filed pursuant to FED. R. CIV. P. 72.

First Objection is based upon the order of July 12, 2023 being in violation of Defendant's 14th amendment Right to Due Process, which states: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

As applied to civil proceedings, as in the instant case, due process requires that the procedures by which laws are administered in an evenhanded fashion, so that individuals will not be subjected to the random exercise of judicial power, and will have the benefit of an impartial tribunal presided over by an unbiased adjudicator of fact. Accordingly, a person has the right to a legal proceeding, in which they may present their case with the requisite assurance that the adjudicator of fact is not predisposed to presumptions against them, prior to having heard and considered all the evidence from both litigants. Proper adherence to the Due Process Clause is thus meant to guarantee accurate fact finding, so that premature conclusions about a party may not be drawn.

If there are presumptions that are arguable unreasonable, arbitrary, or may potentially deny a person equal opportunity to argue the facts relevant to their own defense, it is a violation of that party's right to due process.

In the instant matter, Mr. Szalkiewicz has freely argued the substantial issues of this matter via letter to the Court, creating unproven presumptions that have weaponized the Court against the Defendant (and Defendant's counsel), as exemplified by the punishing financial sanctions, and now with procedural sanctions against the Defendant and counsel. As per this objection, the infractions, which do not emanate from dishonesty or deliberate defiance of this honorable Court, are unwarranted in their scope and severity, and unduly deprive the Defendant of her rights to due process and a fair, even and impartial legal forum.

I accordingly request that Your Honor will supplement the arguments presented in this communication to my communication of yesterday, July 26, 2023, and will provide the review and consideration necessary to vacate the Orders of July 12, 2023, as referenced above.

Thanking Your Honor once again for your kind consideration in this matter.

Respectfully

A handwritten signature in blue ink, appearing to read 'Ira W. Heller', is written over a light blue rectangular background.

Ira W. Heller, Esq.

cc: Daniel Szalkiewicz, Esq.
Attorney for Plaintiff